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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,801	03/23/2004	Jesse A. Branch III	X.9454	9952
7590	07/26/2005		EXAMINER	
J.W. Gipple P.O. Box 40513 Washington, DC 20016			SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,801

Applicant(s)

BRANCH, JESSE A.

Examiner

Gay Ann Spahn

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☒ Claim(s) 7, 9, and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because:

(1) in Fig. 1, mid-section (2) is incorrectly illustrated since there should be line perpendicular to the upper and lower outline of the mid-section (2) in order to show where prongs (6A, 6B) branch off from the main body portion of the mid-section (2);

(2) for clarity, it is suggested that prong --6A-- be labeled in Fig. 1;

(3) for clarity, it is suggested that mid-section --2-- be labeled in Fig. 2; and

(4) in Fig. 3, reference numeral "9" should be changed to --9A-- since with midsection (2) on the left-hand side of the figure and with right end section (3) on the right-hand side of the figure, the joint shown therein must necessarily be joint (9A).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference numeral mentioned in the description:

reference numeral "1" to designate "fork shaped hammock stand"
as discussed on page 4, second to last line, page 5, lines 7, 18, and 21,
and page 6, lines 3, 11, and 15.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

Art Unit: 3673

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(1) reference numeral "100" in Fig. 3 (however, it is believed that this reference numeral should be changed to --10D--);

(2) reference numeral "10" in Fig. 4C (however, it is believed that this reference numeral should be changed to --10C--); and

(3) reference numeral "23" in Fig. 5 (however, it is believed that this reference numeral should be changed to --23A--).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- (1) page 3, line 16, "4a" should be changed to --4A-- for consistency with the drawing figures (i.e., the drawing figures shown a capital "A" not a small "a");
- (2) page 3, line 17, "4b" should be changed to --4B-- for consistency with the drawing figures (i.e., the drawing figures shown a capital "B" not a small "b");
- (3) page 3, line 16, "4c" should be changed to --4C-- for consistency with the drawing figures (i.e., the drawing figures shown a capital "C" not a small "c") and "4b" should be changed to --Fig. 4B--;
- (4) page 5, line 1, "section 4" should be changed to --sections 4A and 4B--;
- (5) page 5, line 2, after the word "reduced", the word --end-- should be inserted;
- (6) page 5, line 3, change "3 and 4" to --3, 4A, and 4B--;
- (7) page 5, line 5, change "18a and 18b" to --18A and 18B--;
- (8) page 5, line 6, change "9a" to --9A--;
- (9) page 5, line 7, change "9b and 9c" to --9B and 9C--;
- (10) page 5, line 8, change "6a and 6b" to --6A and 6B--;
- (11) page 5, line 10, change "4a and 4b" to --4A and 4B--;
- (12) page 5, line 11, change "9b and 9c" to --9B and 96C-- and change "24a" to --24A--;
- (13) page 5, line 12, change "24b and 24c" to --24B and 24C--;
- (14) page 5, line 13, change "4a and 4b" to --4A and 4B--;
- (15) page 5, line 14, change "details join 9" to --detail joints 9A, 9B, and 9C--;

Art Unit: 3673

- (16) page 5, line 15, change "3 and 4" to --3, 4A, and 4B--;
- (17) page 5, line 22, change "Figs. 4a, 4b and 4c" to --Figs. 4A, 4B, and 4C-- and change "Fig. 4a" to --Fig. 4A--;
- (18) page 5, line 23, change "10c" to --10C--;
- (19) page 6, line 1, change "4b" to --4B--;
- (20) page 6, line 2, change "10c" to --10C--;
- (21) page 6, line 4, change "4c" to --4C--;
- (22) page 6, line 5, change "4b" to --4B--;
- (23) page 6, line 6, change "4b" to --4B--;
- (24) page 6, line 16, change "19a" to --19A--;
- (25) page 6, line 17, change "19b" to --19B--;
- (26) page 6, line 18, change "21 a and 21 b" to --21A and 21 B-- and change "23a" to --23A--;
- (27) page 6, line 19, change "23b" to --23B-- and change "24a" to --24A--; and
- (28) page 6, line 20 change "23a and 23b" to --23A and 23B-- and change "24b and 24c" to --24B and 24C--.

Appropriate correction is required.

Claim Objections

The claims are objected to because of the following informalities: the claims are not the object of a sentence starting with "I claim:", "We claim:", "The invention claimed is:" or equivalent as is required by current U.S. Patent and Trademark Office practice (see the Manual of Patent Examining Procedure (MPEP) § 608.01(m) entitled Form of Claims). Therefore, at the top of page 7, Applicant must insert the words "I claim:", "We claim:", "The invention claimed is:" or equivalent.

Claim 7 is objected to because of the following informalities: on line 1, "the said detachable means to secure" should be changed to either --the detachable means to secure-- or --said detachable means to secure--.

Claim 9 is objected to because of the following informalities: on line 1, "the said shaft" should be changed to either --the shaft-- or --said shaft-- and on line 2, "the said joint" should be changed to either --the joint-- or --said joint--.

Claim 10 is objected to because of the following informalities: the recitation of "at least one end of the bottom mid section of end prong sections which extend upwardly and outwardly from the prongs to provide a plurality of support means toward the outer ends of the prong sections" is confusing and does not make sense. However, it is believed that new claim 10 was copied from and supposed to correspond to canceled claim 5 and that the words --is forked to provide two or more prongs which are securely attachable to an equal number-- were inadvertently left out and are supposed to be between the word "section" at the end of line 1 of new claim 10 and the word "of" at the

Art Unit: 3673

beginning of line 2 of new claim 10. Therefore, new claim 10 is being considered as to the merits in this office action as if it were worded as canceled claim 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (either U.S. Patent Application Publication No. 2004/0244112 or its continuation U.S. Patent Application Publication No. 2005/0015876 both having a filing date of 04 June 2003 and both having the same disclosure) in view of any one of Hoffman '211 (U.S. Patent No. 4,673,211), Hoffman '130 (U.S. Patent No. 5,362,130) or Mourot (U.S. Patent No. 2,888,689).

As to claim 6, Clark discloses a hammock support structure (1) comprising:
a plurality of round or tubular sections (2, 3, 4) which can be assembled into an arc shaped stand (1) for supporting a hammock, and foot supports (7, 8) attached to the bottom surface (see Fig. 2) of said stand (1) and extending perpendicularly outward therefrom (see Fig. 2);

the arc shaped stand (1) being formed of a bottom mid section (2), and end sections (3, 4) attached to opposite ends of the said bottom mid section (2) and extending upwardly and outwardly therefrom (see Fig. 2); and

detachable means to secure (11 in Figs. 3 and 4a-4c) said arc shaped stand (1) to said foot supports (7, 8).

However, Clark fails to explicitly disclose that at least one of said end sections, being divided, at a point commencing at or near one of said foot supports, to form two or more prong sections extending upwardly and outwardly from said foot support and means for supporting said hammock attached toward the outer ends of said prong sections.

Any one of Hoffman '211, Hoffman '130 or Mourot disclose chairs or other articles of furniture which have forked or divided end sections, the divisions commencing either at or near a foot support to form two or more prong sections extending upwardly and outwardly from the foot support and means for supporting said hammock attached toward the outer ends of said prong sections.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hammock support stand of Clark so that the mid-section thereof were bifurcated at one end as taught by any one of Hoffman '211, Hoffman '130, or Mourot in order to distribute the force or weight of the hammock and its contents to provide more support and stability.

As to claim 7, Clark in view of any one of Hoffman '211, Hoffman '130 or Mourot discloses the structure of claim 6 as discussed above, and Clark discloses that the detachable means to secure are saddling wedges (11).

As to claim 8, Clark in view of any one of Hoffman '211, Hoffman '130 or Mourot discloses the structure of claim 7 as discussed above, and Clark further discloses that the bottom mid section (2) and the end sections (3, 4) have at their joints(9) aligned apertures (10A, 10B) which form a shaft through the stand (1) and which align with corresponding (10C, 10D) apertures in the saddling wedges (11) and the foot supports (7, 8).

As to claim 9, Clark in view of any one of Hoffman '211, Hoffman 130 or Mourot discloses the structure of claim 8 as discussed above, and Clark further discloses that a bolt (14) is inserted into the shaft extending through the joint (9) between sections (2, 3, 4) of the stand (1), and aligned apertures (10C, 10D) in the saddling wedges (11) and the foot supports (7, 8), and secured with a nut (16).

As to claim 10, Clark in view of any one of Hoffman '211, Hoffman '130 or Mourot discloses the structure of claim 9 as discussed above, and Clark in view of any one of Hoffman '211, Hoffman '130 or Mourot further discloses that at least one end of the bottom mid section is forked to provide two or more prongs which are securely attachable to an equal number of end prong sections which extend upwardly and outwardly from the prongs to provide a plurality of support means toward the outer ends of the prong sections.

Response to Arguments

Applicant's arguments with respect to claims 6-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 2,503,508 to Parks discloses a folding frame for hammock seats and like load supporting members (see Figs. 1 and 2). U.S. Patent No. 2,473,090 to Becker discloses telescoping collapsible chairs. U.S. Patent No.

Art Unit: 3673

4,671,566 to Knapp et al. discloses collapsible support apparatus. U.S. Patent No. 2,622,878 to Mooney and U.S. Patent No. 2,758,632 to Koller et al. disclose stands for a hobby horse, the stands having bifurcated or forked legs. U.S. Patent No. 6,854,801 and U.S. Patent Application Publication No. 2003/0209927 both to Nussbaum (see Fig. 7) disclose a stand for a chair having bifurcated or forked legs. U.S. Patent No. 4,778,192 to McElfresh discloses a seat support for a recumbent vehicle, the seat support having bifurcated or forked legs. U.S. Patent No. 1,161,405 to Nesom discloses a folding baby hammock. U.S. Patent No. 3,837,019 to Hoff discloses a modular cradle-like structure. U.S. Patent No. 5,636,392 to Choi discloses a hammock. U.S. Patent No. 5,898,960 to Hill discloses a portable ledge apparatus and method. U.S. Patent No. 6,360,383 to Tseng discloses a hammock. U.S. Patent No. 6,748,616 to Tseng discloses a hammock with a support assembly. U.S. Patent No. 4,958,391 to Egeland discloses a sway bed support frame. U.S. Patent No. 6,842,920 to Branch, III discloses an arched hammock stand. European Patent Application Publication No. 139 306 to Saporiti discloses a folding article of furniture with a central joint. Great Britain Patent Application Publication No. 1 288 461 to Hoyte discloses improvements relating to chairs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571)-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. However, this fax phone number is being phased out and will no longer be in service after September 15, 2005. The new fax phone number beginning on July 15, 2005 will be (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gas
Gay Ann Spahn, Patent Examiner
July 25, 2005



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**